



GATES & COOPER LLP
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

84P2A9: A PROSTATE AND TESTIS SPECIFIC PROTEIN HIGHLY EXPRESSED IN PROSTATE CANCER

The specification of which:

- a. ☐ is attached hereto
- b. ☒ was filed on January 26, 2001 as United States Application Number or PCT International Application Number 09/771,312 and was amended on (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
- b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/178,560	26 JAN 01

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

George H. Gates
Victor G. Cooper
Karen S. Canady
William J. Wood
Jason S. Feldmar
Bradley K. Lortz

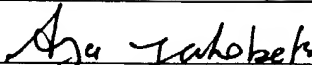
Registration No. 33,500
Registration No. 39,641
Registration No. 39,927
Registration No. 42,236
Registration No. 39,187
Registration No. 45,472

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper LLP to the contrary.

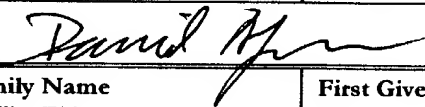
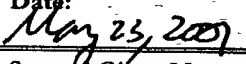
Please direct all correspondence in this case to the firm of Gates & Cooper LLP at the address indicated below:

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Full Name Of Inventor	Family Name Jakobovits	First Given Name Aya	Second Given Name
	Residence & Citizenship	City Beverly Hills	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 3135 Hutton Drive	City Beverly Hills	State & Zip Code/Country California 90210/USA
Signature of Inventor(1): 				Date: 3/9/01

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(2)	Full Name Of Inventor	Family Name Afar	First Given Name Daniel	Second Given Name E.H.
	Residence & Citizenship	City Brisbane	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 435 Visitacion Avenue	City Brisbane	State & Zip Code/Country California 94005/USA
Signature of Inventor(2): 			Date: 	
(3)	Full Name Of Inventor	Family Name Challita-Eid	First Given Name Pia	Second Given Name M.
	Residence & Citizenship	City Encino	State or Foreign Country California	Country of Citizenship Lebanon
	Post Office Address	Post Office Address 15745 Morrison Street	City Encino	State & Zip Code/Country California 91436/USA
Signature of Inventor(3):			Date:	
(4)	Full Name Of Inventor	Family Name Levin	First Given Name Elana	Second Given Name
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 10874 Rose Avenue, #9	City Los Angeles	State & Zip Code/Country California 90034/USA
Signature of Inventor(4):			Date:	
(5)	Full Name Of Inventor	Family Name Mitchell	First Given Name Steve	Second Given Name Chappell
	Residence & Citizenship	City Santa Monica	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 2417-1/2 4th Street	City Santa Monica	State & Zip Code/Country California 90405/USA
Signature of Inventor(5):			Date:	
(6)	Full Name Of Inventor	Family Name Hubert	First Given Name Rene	Second Given Name S.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 1644 North Occidental Blvd.	City Los Angeles	State & Zip Code/Country California 90026/USA
Signature of Inventor(6):			Date:	

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(2)	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Afar	Daniel	E.H.
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Brisbane	California	Canada
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		435 Visitacion Avenue	Brisbane	California 94005/USA
Signature of Inventor(2):				Date:
(3)	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Challita-Eid	Pia	M.
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Encino	California	Lebanon
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		15745 Morrison Street	Encino	California 91436/USA
Signature of Inventor(3): <i>Pia Challita Eid</i>				Date: <i>3/12/01</i>
(4)	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Levin	Elana	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Los Angeles	California	USA
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		10874 Rose Avenue, #9	Los Angeles	California 90034/USA
Signature of Inventor(4): <i>Elana Levin</i>				Date: <i>3/12/01</i>
(5)	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Mitchell	Steve	Chappell
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Santa Monica	California	USA
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		2417-1/2 4th Street	Santa Monica	California 90405/USA
Signature of Inventor(5): <i>Steve Mitchell</i>				Date: <i>3/21/2001</i>
(6)	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Hubert	Rene	S.
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Los Angeles	California	Canada
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		1644 North Occidental Blvd.	Los Angeles	California 90026/USA
Signature of Inventor(6): <i>Hubert</i>				Date: <i>3-14-01</i>

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.